

Date: 7 May 1979

TO: *2DCI* *MAY 1980* *ps/dmg*

FROM:

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SUBJECT: Charters

REMARKS:

In response to your remarks to me several weeks ago about the desirability of an internal charter for the CIA, and Vince Davis' suggestions along the same lines, I submit the attached for your consideration.

It contains 4 sections:

Letter from the Director - to set the tone. Generally, I look at this as something which not only can serve as a charter during this interim period when we have no charter, but also a device which can be given to new recruits as well as experienced employees as an easy reference to what we can/cannot do.

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Introduction - This is a rewrite of the most recent Turner/ piece done for the previous charter work we had done. It lays out the philosophy of why intelligence/always considered an extraordinary remedy/everything must be defensible in principle, etc.

Authorizations, Prohibitions, Injunctions - Because EO 12036 is in effect, this section had to reflect the requirements of EO 12036 as a minimum. Where that is the case, EO 12036 is cited. But I have gone beyond the EO in some prohibitions and injunctions to take some of the positions we took in early versions of the

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charter work, e.g. prohibits starting an epidemic; causing floods, torture, etc. It looks like these kinds of specific injunctions may fall out in the charter proposal of the Administration, but I think it is an extremely good idea, if you do promulgate an internal charter, to be able to point to it and show how the Agency was willing to go even further than either the Administration or the Congress in internal controls. A tactical problem with this, however, is that it could be used by the Congress as a club against more moderate stands being promoted by the Administration. I think this could be avoided, though, if we included some wording to the effect that until such time as Congress determines just how much control they want to extend over the IC, the IC plans to take a severely conservative stand so as to remain above reproach through all these deliberations.

Applicable statutes/Orders - include as appendices a copy of both the EO and the new Surveillance Act for reference.

(not attached)

I suspect that some in the Agency will consider this effort 'superficial' and naive, pointing to the fact that most of these guidelines appear in the regs somewhere, or that they already know them anyway. The most important function a document of this type can have is to set an overall philosophical tone and establish a context for all the regs we have. The fact that it is put out by the DCI himself lends a unique endorsement to the claim that we are now operating in ways that are legal and proper. We may want to do a lot of tweaking with this particular document, but something along these lines would be real breakthrough.

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OFFICE OF THE DIRECTOR

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